

Notice of Allowability	Application No.	Applicant(s)	
	10/033,735	MONDIE, GEORGE R.	
	Examiner	Art Unit	
	Allyson N Trail	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 10/04/2002.
2. ☒ The allowed claim(s) is/are 1-3,7,9,10,27 and 34-40.
3. ☒ The drawings filed on 12/18/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed October 4, 2004.

Remarks

2. Claims 1 and 2 are currently amended, claim 25 has been cancelled, and claims 34-40 have been added. Amended claim 1 and newly added claims 34 and 35 include subject matter, which overcomes the prior art of record.

Allowable Subject Matter

3. Claims 1-3, 7, 9, 10, 26, 27, and 34-40 are allowable over prior art.

The following is an examiner's for allowance: Prior art includes teachings, which disclose a barcode label including dichroic ink. There are also teachings of splitting reflected beams and using polarized filters to block certain light waves in order to improve the signal to noise ratio and improve the barcode scanner's performance. The identified prior art of record, taken alone, or in combination with any other prior art however, fails to teach or fairly suggest the specific features of claims 1, 34, and 35 of the present claimed invention. Specifically, prior art fails to teach a method for scanning articles each labeled with a label comprising a light polarizing material. The steps of the claimed method include, first exposing the light polarizing material to a light source. The machine readable indicia is formed by positioning the light polarizing material over a reflective layer. The next step includes dividing the light reflected from the indicia into a plurality of beams and then filtering each beam through it's own polarizing filter. The polarizing filters are positioned offset from one another by a predetermined angle. An

Art Unit: 2876

electronic image is generated from each of the filtered beams with a detector and the images are compared to produce a composite image corresponding to the machine readable indicia. Lastly, the composite image is electronically analyzed in order to decode the indicia. Not only does prior art fail to teach the specific steps disclosed in the current claimed invention, prior art fails to specifically teach the light polarizing material being positioned over the reflective layer to form the indicia and also fails to teach dividing the reflected light reflected from the barcode into a plurality of beams, wherein the bar code is formed from a light polarizing material. This method for scanning articles including a label comprising a light polarizing material is not taught in prior art and moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-

2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
December 20, 2004



THIEN M. LE
PRIMARY EXAMINER